

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SAMUEL BIAR PECH,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

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1:23-CV-1350-RP

ORDER

On November 6, 2023, Plaintiff filed his complaint. (Dkt. 1). To date, however, there is no indication that Plaintiff has served Defendant with the complaint and summons. “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Well more than 90 days have passed since Plaintiff filed his complaint.

On February 12, 2024, the Court ordered Plaintiff to show cause as to why his claims should not be dismissed under Rule 4(m). (Dkt. 5). Plaintiff filed a response, but his response did not address his efforts to effect service of the complaint and summons in this case nor did Plaintiff ask for an extension or provide any basis for why the Court should not dismiss his case. Because Plaintiff has not shown that he has effectuated service or shown good cause to extend his deadline to serve Defendant, the Court must dismiss this action under Rule 4(m). Fed. R. Civ. P. 4(m).

IT IS THEREFORE ORDERED that this action is dismissed without prejudice under Federal Rule of Civil Procedure 4(m).

SIGNED on February 23, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE